

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

24 HOUR FITNESS USA, INC., a California corporation,	)	
	)	
Plaintiff,	)	Civil Action No. 08 cv 3853
	)	
v.	)	
	)	
BALLY TOTAL FITNESS HOLDING CORP., a Delaware corporation, and MICHAEL SHEEHAN, an individual,	)	Judge Joan Humphrey Lefkow
	)	Magistrate Judge Morton Denlow
Defendants.	)	
	)	
	)	
	)	

**PLAINTIFF'S NOTICE OF MOTION**

PLEASE TAKE NOTICE that on July 24, 2008 at 9:30 a.m., we will appear before the Honorable Joan Humphrey Lefkow in Room 1925, 219 S. Dearborn, Chicago, Illinois, and then and there present Plaintiff 24 Hour Fitness USA, Inc.'s Motion for Leave to File Second Amended Complaint *Instantly* served on Litigation Counsel.

Date: July 22, 2008

Respectfully submitted,

24 Hour Fitness USA, Inc.

/s/ R. Mark Halligan

**R. Mark Halligan (IL 6200723)**

mark.halligan@lovells.com

**Deanna R. Swits (IL 6287513)**

deanna.swits@lovells.com

**LOVELLS LLP**

330 N. Wabash Avenue

Suite 1900

Chicago, IL 60611

Tel: 312 832 4400

Fax: 312 832 4444

*Attorneys for Plaintiff 24 Hour Fitness USA, Inc.*